

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.112 OF 2007

Umanand Ganesh Singh ..Petitioner.
Vs.
The State of Maharashtra and others ..Respondents.

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Mr. Prakash Shah with Ms. Archana Gupte for the Petitioner.

Mr. P.M. Patil, AGP for the State.

Mr. D.H. Mehta i/b Mr. Nalin M. Shah for Respondent NO.4.

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CORAM: SWATANTER KUMAR, C.J. &
DR. D.Y. CHANDRACHUD, J.

18th October, 2007.

P.C. :

1. In this Petition under Article 226 of the Constitution of India the Petitioner has impugned the approval of the scheme granted by the Government of Maharashtra vide its Resolution No. TST-1088/(2805)/D-XIII dated 19th August, 1988. Obviously the Petitioner has approached this Court after such an inordinate delay which is even unexplained. In the entire Writ Petition there is not even a single averment as to why the Petitioner has approached the Court belatedly. However, a letter is stated to have been written to the Additional Collector and competent authority (ULC)

on 12th May, 2007 pointing out certain defects in the sanctioning of the scheme and its implementation. We may also notice that counsel appearing for the Respondents has stated that the present Writ Petition is abuse of the process of the Court and some of the Petitioners have even earlier challenged the scheme which is sought to be questioned in these proceedings in Writ Petition 2700 of 2007 which was dismissed by a Division Bench of this Court on 27th April, 2007. It is not necessary for us to dilate on the factual aspect of the case or the issues raised. The present Petition certainly suffers from the defect of delay and laches and there is no occasion for this Court to interfere in the exercise of its extraordinary writ jurisdiction.

2. It has also been stated on behalf of Respondent No.4 that the building has already been constructed and that the scheme was implemented in accordance with the resolution passed by the competent authority. We have already stated that we are not going into the merits of the case and would dismiss the Petition on the ground of delay and laches itself. The Petition is dismissed. However, nothing prevents the authorities to look into the letter dated 12th May 2007 in accordance with law.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.